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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF ALABAMA  
3 Northern Division

4 -----+

5 ROBERT FORD, et al, |

6 Plaintiff, |

7 vs. | Case No.:

| 1:06-CV-423-BH-C

8 SOUTHERN ENERGY HOMES, INC., |  
et al, |

9 Defendants. |

10 -----+

11

Videoconference

12 Deposition of Dr. Robert L. Kondner, P.E.

13 Washington, D.C.

14 Friday, December 21, 2007

15 2:48 p.m.

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21 Job No. 22-119787

22 Pages 1 - 140

23 Reported by: Laurie Bangart-Smith

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1 Deposition of

2 Dr. Robert L. Kondner, P.E.

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4 Held at the offices of:

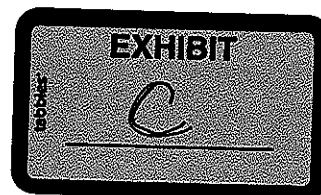
5 L.A.D. REPORTING

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6 Suite 850

Washington, D.C. 20036

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0010

1 a manufactured home?

2 A No.

3 Q I think we've established through the Murphy  
4 deposition, which we just completed just 30 minutes  
5 ago, you've never built a manufactured home.

6 MR. PELS: Objection.

7 You can answer.

8 THE WITNESS: That's correct.

9 BY MR. SIMPSON:

10 Q Correct? You've never designed a  
11 manufactured home?

12 MR. PELS: Objection; relevance.

13 You can answer.

14 THE WITNESS: Correct.

15 BY MR. SIMPSON:

16 Q You've never seen a manufactured home  
17 constructed in a factory setting?

18 MR. PELS: Objection.

19 You can answer.

20 THE WITNESS: Correct.

21 BY MR. SIMPSON:

22 Q Correct?

23 A Correct, yeah.

0011

1 Q You don't know how long it takes to build a  
2 manufactured home from start to finish?

3 MR. PELS: Objection.

4 You can answer.

5 THE WITNESS: That's correct.

6 BY MR. SIMPSON:

7 Q You don't personally know anybody at the  
8 Department of HUD which regulates manufactured  
9 housing?

10 MR. PELS: Objection.

11 You can answer.

12 THE WITNESS: That's correct.

13 BY MR. SIMPSON:

14 Q You don't know how HUD regulations are made?

15 MR. PELS: Objection.

16 You can answer.

17 THE WITNESS: That's basically correct, the  
18 gory details of how it's done.

19 BY MR. SIMPSON:

20 Q You don't know who the HUD Consensus  
21 Committee is or how it works?

22 A That's correct.

23 MR. PELS: Objection.

0012

1 BY MR. SIMPSON:

2 Q You're not a HUD code expert?

3 MR. PELS: Objection.

4 You can answer.

5 THE WITNESS: That's correct.

6 BY MR. SIMPSON:

7 Q You're not a mold expert?

8 MR. PELS: Objection.

9 You can answer.

10 THE WITNESS: That's correct.

11 BY MR. SIMPSON:

12 Q You're not a gypsum expert?

13 MR. PELS: Objection.

14 THE WITNESS: That's correct.

15 BY MR. SIMPSON:

16 Q And you're not a thermographic imaging  
17 expert?

18 MR. PELS: Objection.

19 THE WITNESS: That's correct.

20 BY MR. SIMPSON:

21 Q You've never designed a wall system in a HUD  
22 code home in your life?

23 MR. PELS: Objection.

0013

1 THE WITNESS: That's correct.

2 BY MR. SIMPSON:

3 Q You've never seen a (b)(1) wall fail with  
4 your own two eyes in the field in Alabama?

5 A That is correct.

6 Q You're not familiar with the other HUD code  
7 design alternatives for wall construction in an expert  
8 sense?

9 MR. PELS: Objection; no foundation.

10 THE WITNESS: Would you explain that.

11 BY MR. SIMPSON:

12 Q Yeah. You've never designed or built a home  
13 under 3280.504(b)(2)?

14 A That's correct.

15 Q You've never designed or built a home under  
16 HUD code section 3280.503?

17 A That's correct.

18 Q You've never designed or built a home under  
19 the waiver?

20 A That's correct.

21 Q You wrote the report in this case based on  
22 materials the lawyers who hired you provided to you,  
23 correct?

0027

1 does it?

2 A Not that I see here.

3 Q Do you have any idea where the waiver  
4 actually is?

5 A Where the waiver of what is? Oh, in this  
6 code?

7 Q The wall design waiver; have you ever read  
8 it?

9 A It would have to be back in 504. Let's go  
10 back to 504.

11 Q Doctor, it's not in there. Have you ever  
12 read it?

13 A I don't know whether I ever have or not.

14 Q All right. Let's go on to B3. Are you  
15 familiar with any of the criticisms of B3?

16 MR. PELS: Objection; form and foundation.

17 THE WITNESS: B3.

18 BY MR. SIMPSON:

19 Q Sir, the question I'm asking you can't be  
20 answered by looking at the HUD code.

21 A No, I'm not.

22 Q You've never designed a (b)(3) home, have  
23 you?

0033

1 meter was used here by Mr. Parks?

2 MR. PELS: Objection.

3 You can answer.

4 THE WITNESS: Well, you could probably read  
5 it right off of his photograph.

6 BY MR. SIMPSON:

7 Q Are you an expert in moisture meters?

8 A No, I'm not.

9 Q Do you know if salt can affect the accuracy  
10 of moisture meters?

11 A It probably can. I would imagine a lot of  
12 other things could, too.

13 Q Yes, sir, I agree with that. Do you know if  
14 there's any salt in gypsum?

15 A Sodium chloride? I do not know.

16 Q You do not know the chemical composition of  
17 gypsum?

18 A No, I don't.

19 Q Have you ever seen gypsum made in a factory?

20 A No, I have not.

21 Q How is gypsum made; do you know?

22 A I really don't know.

23 Q Do you know what the term "hygroscopic